

FILED

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U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
Southern Division

CLIMMIE MERRITT,
Plaintiff;

-vs.-

EUTAW FINISHING ASSOCIATES, L.P.,
Defendant.

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No. CV-95-P-2352-W

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ENTERED

MAR 18 1998

OPINION

The Plaintiff's Motion for Summary Judgment was heard at the court's March 13, 1998 motion docket. For the reasons stated herein, this motion is due to be granted.

Facts

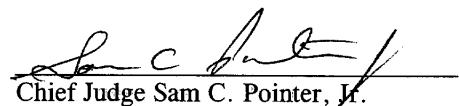
Plaintiff Climmie Merritt was injured at work in 1990, prior to being hired by the Defendant. This prior injury resulted in a 15% medical impairment rating to his body as a whole. On July 25, 1994 Mr. Merritt was hired by defendant Eutaw Finishing to run washing machines, a job that he was qualified to do without special accommodation. Mr. Merritt informed Eutaw Finishing of his previous injury during his job interview. In August the plant manager for Eutaw Finishing became aware of Mr. Merritt's previous injury. On August 15, 1994, Mr. Merritt was fired after being told that by the plant manager that he could not work in the Eutaw Finishing plant with a disability. No accommodations were offered Mr. Merritt. Mr. Merritt has been unemployed since he was fired by Eutaw Finishing. Merritt was making \$4.25 per hour at the time he was terminated.

Analysis

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According to the facts established by the plaintiff, which have not been disputed by the defendant, Merritt has satisfied all procedural and administrative requirements of Title VII. Mr. Merritt has also established that he is qualified for relief under the ADA by showing that he is a disabled person within the meaning of the ADA; that he was qualified to perform the essential functions of his job without accommodation; and that he was terminated because of the disability. Because the undisputed facts show that Mr. Merritt is entitled to judgment as a matter of law, Mr. Merritt's Motion for Summary Judgment is due to be granted.

Dated: March 23, 1998



Chief Judge Sam C. Pointer, Jr.

Service List:

Mr. George M. Vaughn
Mr. David M. Tidmore
Eutaw Finishing Associates, L.P.